

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DONNELL HOLMES,

Plaintiff,

v.

Case No. 2:07-cv-32
HON. GORDON J. QUIST

DAVID WENTWORTH, et al.,

Defendants.

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ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (Docket #18) is approved and adopted as the opinion of the Court.

2. Defendants' Motion to Dismiss (Docket # 9) is GRANTED and Defendants Lamphere, Huff, Prelesnik and Armstrong are DISMISSED without prejudice, Defendants' Motion for Dismissal and/or Summary Judgment (Docket #11) is GRANTED and Defendants Wentworth, Lake and Allen are DISMISSED with prejudice, and Plaintiff's complaint is DISMISSED in its entirety.

3. The Court can discern no good-faith basis for an appeal. Accordingly, an appeal of this action would not be taken in good faith.

Dated: March 27, 2008

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE